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OFFICE OF PETITIONS

In re Application of
Cureton, et al.
Application No. 09/044,426
Filed: March 19, 1998
Attorney Docket No. 0972-0111

ON PETITION

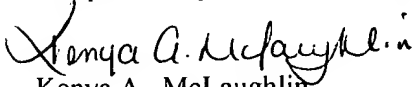
This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 28, 2003, to accept an unintentionally delayed claim under 35 U.S.C § 120 for the benefit of a prior filed application.

The petition is **DISMISSED AS MOOT**.

The instant application was filed on March 19, 1998. A petition for acceptance of a late claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on, or after, November 29, 2000. See 65 FR 57024 (September 20, 2000). Accordingly, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,300 surcharge fee received on July 28, 2003, is unnecessary and will be credited to deposit account 50-0310. A review of the application file revealed that Deposit account 12-0769 was charged \$1,300 for the surcharge, \$160.00 for the Notice of Appeal, and \$205.00 for an extension of time. These amounts appear to have been charged in duplicate erroneously as a result of a duplicate filings made on August 25, 2003, and will be refunded to deposit account 12-0769, in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.


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Petitions Attorney
Office of Petitions